

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:07CR338
vs.)
JOEL ANTHONY BROWN,)
Defendant.) ORDER

This matter is before the court on the motion for an extension of time by defendant Joel Anthony Brown (Brown) (Filing No. 18). Brown seeks until March 2008 in which to file pretrial motions in accordance with the progression order and to continue the trial of this matter set for March 4, 2008. Brown's counsel represents that Brown will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Brown's counsel represents that government's counsel has no objection to the motion. Upon consideration and for good cause shown, the motion will be granted.

IT IS ORDERED:

Defendant Brown's motion for an extension of time and for a continuance of trial (Filing No. 18) is granted. Brown is given until **on or before March 26, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 18, 2008 and March 26, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B). Trial of this matter will be rescheduled following the disposition of any pretrial motions filed in accordance with this order or upon the expiration of the deadline set forth herein whichever occurs later.

DATED this 23rd day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge